

CLERK'S OFFICE U.S. DISTRICT COURT
AT ROANOKE, VA
FILED

MAR 11 2024
LAURA A. AUSTIN, CLERK
BY: *D. Alliger*
DEPUTY CLERK

Virginia:

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA

Roanoke

Division

ISAW WALEED BLAKE,

Plaintiff,

v.

Civil Action No.: 7:23-cv-381

SARGENT T. JOSEPH, et al.,

Defendant.

PLAINTIFF'S RESPONSE TO DEFENDANTS OBJECTIONS
AND RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS

COMES NOW, Plaintiff, Isaw Waleed Blake a PRO SE litigate
in Opposition to Defendants Objection.

On 2/27/2024, Plaintiff received Defendants response to his
Motion to Compel Defendants to produce documents, by filing
objection to most of the production of any of the materials
Sought. A copy of their objections is attached as Exhibit A.

C
Defendant's objections to Plaintiff's request for Operating Procedure 420.1; Use Of force should be Waived and the Plaintiff's request for production of documents should be Ordered.

A.

Pursuant to Rule 26.(b)(4), the material may be discovered if the material is otherwise discoverable under Rule 26(b)(1). And if the Plaintiff shows that the requested material has substantial need for the Plaintiff to prepare his case and cannot, without undue Hardship, obtain their substantial equivalent by other means.

B.

In support of Rule 26(A)(iii), Photographs of the Plaintiff's injuries is attached as Exhibit: B1.

C.

In Response to Defendants Response #2.

Defendants Stated that the disclosure of the OP information would inform inmates to Security and Search protocols and procedures. Defendants further stated, that whether or not an OP was violated has no Bearing to whether or not the Defendants Violated the 1st, 8th and 14th Amendments to the United States Constitution. To the contrary, plaintiff's request for "use of force" policy is relevant to his claims and defense and is discoverable to establish facts.

Plaintiff is not in need of any OP in regards to any "Search Protocol;" Rule 36(a)(4), only the OP, in regards to the Use of Force, Section.

The fact that force was used, when unnecessary, or in a manner Excessive to any need, is in itself evidence that the Defendants were acting "Malicious and Sadistically to cause ~ Harm. (See Exhibit B*, OP 350.3, "Firearms, Chemical Agents and Less Lethal Training," I., J..) (All Use of Force Curriculum will include that the use of physical force is limited to instances of justifiable self-defense, protection of others. And Then Only, as a last result, to restore Order) Plaintiff is intitled to the portion of OP 420.1 "Use of Force" that strictly pertains to the Defendants, non-compliance with the OP 420.1, Use of Force.

(3) Defendants Objections to Plaintiffs request for, Any and all policies, directives, or instructions to staff concerning the use of Force /or Excessive Use of Force should be Waived and the Plaintiff's request for production of documents should be Ordered; and Defendants should be compelled to produce the ordered use of force policies³ procedures.

A.

Pursuant to OP 350.3, Firearms, Chemical Agents and Less Lethal Training, Section; I., J.. all use of force curriculum will include that the use of physical force is limited to instances of justifiable self-defense, Protection of others and Then Only, as a last result, to restore Order.

B.

See Exhibit B1³⁸. Because of these reasons is why Plaintiff is requesting for, Any and all policies, directives, or instructions to staff the use of force/or Excessive use of force Pursuant to Rule 36(a)(4).

⑥ Defendants objections to Plaintiffs request for, Any and all Medical records from May 30, 2022, to the date of the Defendants response, the Plaintiff is therefore Satisfied.

Furthermore, the discoverable information ordered by the court is relevant to Plaintiff's claims and defense.

Plaintiff seeks to discover relevant use of force information contained in use of force policy³ procedure pertaining to inmates with serious, cardiac heart problems, as Plaintiff's heart murmur. (See Exhibit C)

Wherefore, Plaintiff respectfully request that this Court acknowledge Plaintiff's effort in his attempt to litigate his Civil Proceedings having no Lawyer and no knowledge of Civil Law or High School education.

The Plaintiff ask that this Court deny/waive Defendants objections and Order the Defendants to produce for inspection the Documents requested by Plaintiff.

Respectfully Submitted Isaac Waleed Blake 106405

Isaac Blake

Wallens Ridge State Prison

272 Dogwood Drive

Date: 3/3/2024

Big Stone Gap, Va 24219

I saw Waleed Blake # 1106405
Wallens Ridge State Prison
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Big Stone Gap, Virginia 24219

VIRGINIA DEPARTMENT OF CORRECTIONS
HAS NEITHER CENSORED OR INSPECTED
ITEM THEREFORE, THE DEPARTMENT
DOES NOT ASSUME ANY RESPONSIBILITY
FOR ITS CONTENTS

Received
Mailroom

MAR 08 2024

Wallens Ridge
State Prison



United States District Court
Office of the Clerk
210 Franklin Road, Room 540
Roanoke, Virginia 24011